IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 24410 of 2007(E)

PETITIONERS:
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1. ABHILASH R., S/O.RAJEENDRAN,
"AKASH", EZHUKONE, KOLLAM-691 505.

2. JOSHKUMAR V., S/O.VENKIDACHALAM CHETTIAR
RAMOM, NEAR PETROL PUMP (IOC), KAZHAKKUTTOM P.O.,
TRIVANDRUM-695 582.

BY ADV. SRI.A.SUDHI VASUDEVAN

RESPONDENTS:
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1. KERALA TOURISM DEVELOPMENT CORPORATION
LIMITED, REPRESENTED BY ITS CHAIRMAN,
MASCOT SQUARE, P.B.NO.5424, THIRUVANANTHAPURAM.

2. THE MANAGING DIRECTOR,
KERALA TOURISM DEVELOPMENT CORPORATION LTD.,
MASCOT SQUARE, P.B.NO.5424, THIRUVANANTHAPURAM.

BY SRI.P.GOPALAKRISHNAN NAIR, SC, KTDC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 24410 OF 2007
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Dated this the 10th day of August, 2007

J U D G M E N T

Petitioners seek a direction to the respondents to interview them for the post of Manager Grade IV, pursuant to Ext.P1 vacancy notification.

2. In Ext.P1, one of the posts for which application was invited is Manager Grade IV and the qualification and experience prescribed is as extracted below.

> **Qualification & Experience**: Bsc Degree in Hospitality Administration awarded by IHMCT managed by the National Council for Hotel Management and Catering Technology or Diploma in Hotel Management and Catering Technology awarded by IHMCT managed by the National Council for Hotel Management and Catering Technology with minimum 2 years of post-qualification experience.

3. As admitted by the petitioners in para 5 and 6 of the writ petition, they do not possess the qualifications prescribed in the notification. The first petitioner possesses

a Degree in Hotel and catering Management from the Madras University and the 2nd petitioner holds Diploma in Hotel Management and Catering Technology awarded by Empee Institute of Hotel Management and Catering Technology, Chennai. These are not qualifications which are prescribed in Ext.P1 and therefore petitioners are obviously ineligible to be considered for the post.

4. However, the learned counsel for the petitioners places reliance on Ext.P1, where it is stated that "if your profile matches our requirements, send your application in plain paper along with detailed bio-data containing particulars of qualification, age and experience: attested copies of certificates and a recent passport size photograph." Relying on the expression 'matches our requirements' counsel submits that qualification possessed

by the petitioners, being equivalent to what is prescribed in Ext.P1, matches the requirements of the respondents and therefore they should be allowed an opportunity to be considered in the selection process. I am not prepared to accept the submission. The expression "matches our requirements" only mean that those who satisfies the qualifications prescribed in Ext.P1, can respond to Ext.P1. The first respondent has clearly laid down their prescription in the column "qualification and experience". Only those candidates who satisfies the requirements as laid down in the notification alone are eligible to be considered against the post. The notification does not even recognize any equivalent qualifications . Therefore there is no substance in the contention raised by the petitioner.

5. Prescribing qualifications for a post is essentially

within the domain of the Rule Making Authority and except in a situation of extreme arbitrariness, this Court will not be justified in stepping into such areas. In this case, I do not see any pleading, where the prescription in Ext.P1 is challenged. Petitioner then submits that there are several employees in the respondent Corporation, who possess qualification similar to what they possess. Apart from the fact that there are no materials in this respect, relevant notifications issued by the Corporation at the time when they were recruited could have prescribed what they possessed. Otherwise such candidates who did not have the qualifications specified in the notification could not have been selected by the Corporation.

6. Counsel for the petitioners then submitted that this post has been left within the purview of PSC by virtue of

the provisions contained in the Kerala Public Service Commission (consultation by Corporation and Companies) Act and therefore Ext.P1 itself is invalid. This argument is raised only the basis that the Corporation also figures in the list of organisations to which the Act applies. There is no material to support the plea that this particular post has been brought within the purview of the Public Service Commission, although several of the posts in the respondent Corporation have been left within its purview.

I do not find any merit in this writ petition and it is only to be dismissed and I do so.

ANTONY DOMINIC, JUDGE.

Rp